

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRADARIO BRIM,

Plaintiff,

v.

ORDER

Case No. 15-cv-658-jdp

CHAPLAIN MIKE DONOVAN and
CORR. OFFICER II FRAPPIER,

Defendants.

Plaintiff Fradario Brim, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff has neither paid the filing fee nor requested leave to proceed without prepayment of the fee.

Instead, plaintiff requests that the court issue an order directing the business office at Green Bay Correctional Institution send the court the \$350 filing fee. However, the fee for filing a civil action is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the fee is \$350. Even when a prisoner litigant qualifies for indigent status, the prisoner litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1).

For this case to proceed, plaintiff must either pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than November 6, 2015. A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that,

1. Plaintiff Fradario Brim may have until November 6, 2015 to submit the \$400 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately April 13, 2015 and ending approximately October 13, 2015. If, by November 6, 2015, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 15th day of October, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge